

Remarks

The indication that claim 10 has been withdrawn from consideration in the present application is noted; claim 10 has been canceled without prejudice to consideration in a further application.

The Official Action objects to the drawings for not showing the mechanical transfer means of claims 8 and 12. Claims 8 and 12 have been canceled and withdrawal of the objection is respectfully requested.

Claim 5 has been amended to be an independent claim, no longer depending on canceled claim 1.

The Official Action rejects claims 5-9 and 11-14 under §112, second paragraph. Claims 5-7 and 9 have been amended and claims 8 and 11-14 have been canceled. Amended claim 5 includes the subject matter of claim 6, which has been canceled. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 5-7, 9, 11, and 13-14 were rejected as anticipated by BIRDSEYE 2,419,876. Reconsideration and withdrawal of the rejection are respectfully requested.

The first chamber in BIRDSEYE does not have means for heating of the radiant type that is arranged to cause worn road coatings to be recycled to reach a first temperature between 105 and 130°C and to render bitumen therein viscous. The chamber in BIRDSEYE is arranged to heat organic material to remove moisture.

There is no disclosure in BIRDSEYE that the chamber is arranged to heat worn road coatings, comprised in part of inorganic materials, to render bitumen therein viscous. BIRDSEYE does not disclose that the chamber is arranged to handle viscous material. By contrast, the material in BIRDSEYE is separated and scattered - opposite rendered viscous - to permit drying.

Indeed, a problem in recycling road coatings is warming the bitumen so that it wraps each of the stones in the aggregate of the worn road coating. The bitumen should not be too runny as this would make a subsequent agglutination step impractical. Subsequently, the material needs to be heated to a higher temperature to permit spreading. BIRDSEYE faces none of these problems and one of skill in the art would not learn from this reference how they may be solved.

Further, it is not seen that BIRDSEYE discloses the claimed means for agglutinating the heated worn road coatings. Agglutination is the act of uniting by glue or other tenacious substance; the state of being thus united; adhesion of parts. BIRDSEYE merely discloses that loose material is moved by roll 22 onto auxiliary conveyor 27. There is no indication in this reference that materials are to be adhered to each other. Indeed, any agglutination would be counter to the purpose of BIRDSEYE which is to separate and dry the material, not unite them so as to create a mass that would be difficult to dry (column 6, lines 14-25). BIRDSEYE provides agitators 25, 35, 45

whose purpose is to scatter the material; why agglutinate at the outlet of the first chamber if the material is to be scattered immediately thereafter? The reference does not disclose means for agglutination and one of skill in the art would not include such means in the BIRDSEYE device.

Accordingly, the claims avoid this rejection under §102.

Claims 5, 8-9, and 12-13 were rejected as anticipated by MURRAY 4,910,540. Claim 5 was amended to include the subject matter of claim 6, which was not rejected on this basis. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 9 and 13 were rejected as unpatentable over MURRAY in view of SWANSON 5,478,530 and claim 14 was rejected as unpatentable over BIRDSEYE in view of CRISNEL et al. 6,162,477. These claims depend from claim 5 or have been canceled. Reconsideration and withdrawal of the rejection are respectfully requested for the reasons given above.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance, which is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment

to Deposit Account No. 25-0120 for any additional fees required
under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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